

CTH 10/22/09
@ 2:15pm.

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

EMG TECHNOLOGY, LLC.

Plaintiff

v.

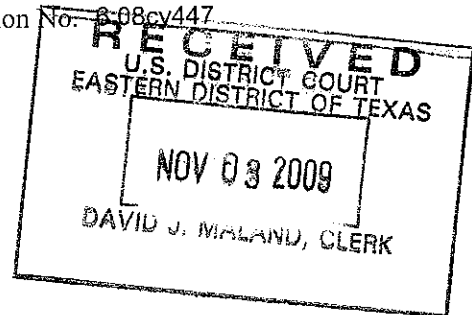
APPLE, INC., ET AL.

Defendant

Civil Action No. 8-08cy447

Summons in a Civil Action

To: (Defendant's name and address)

BARNES & NOBLE, INC.
c/o Capitol Corporate Services, Inc.
800 Brazos, Suite 400
Austin, TX 78701 USA

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

CHARLES AINSWORTH
PARKER BUNT & AINSWORTH PC
100 E FERGUSON SUITE 1114
TYLER TX 75702

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 10/22/09

David Maland

Name of clerk of court

MLL

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AFFIDAVIT
ATTACHED

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on _____,
by:

(1) personally delivering a copy of each to the individual at this place, _____;
_____ ; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
_____ ; or

(4) returning the summons unexecuted to the court clerk on _____ ; or

(5) other (*specify*) _____

_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

Date: _____

AFFIDAVIT

Server's signature

ATTACHED

Printed name and title

Server's address

AFFIDAVIT OF SERVICE

Came to hand on the 22nd day of October , 2009, at 2:15 o'clock pm.
Cause No. 6:08CV447

Executed at 800 Brazos Street, Suite 400 Austin, Texas 78701
within the County of Travis at 2:46 o'clock pm on the 22nd day
of October , 2009, by delivering to the within named:

BARNES & NOBLE, INC.,
by delivering to its Registered Agent, CAPITOL CORPORATE SERVICES, INC.,
by delivering to its designated agent, MICAH CAUDLE, in person, a true copy of
this Summons in a Civil Action together with Fifth Amended Complaint for
Patent Infringement, and Exhibits A & B attached, having first endorsed upon
such copy of such Summons the date of delivery.

I am not a party to or interested in the outcome of the suit referenced above.
I am authorized by written order to serve citation and other notices. I am not
less than eighteen (18) years of age.

Service Fee \$

EMB TECHNOLOGY, LLC

Plaintiff

V.
APPLE, INC., ET AL

Defendant

By:

Jeff Keyton ID# SCH-735
(Authorized Person)

THOMAS PROCESS
809 Rio Grande Street
Suite 103
Austin, Texas 78701
(512) 320-8330

VERIFICATION

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared
Jeff Keyton , known to me to be the person whose name
is subscribed to the foregoing document and, being by me first duly sworn,
declared that the statements therein contained are true and correct.

Given under my hand and seal of office this 23rd day of
October , A.D., 2009.

NOTARY PUBLIC, STATE OF TEXAS

